



Senate

General Assembly

February Session, 2018

File No. 224

Senate Bill No. 432

Senate, April 4, 2018

The Committee on General Law reported through SEN. LEONE of the 27th Dist. and SEN. WITKOS of the 8th Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE SALE OF ABANDONED OR UNUSED CEMETERY LOTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-307 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2018*):

3 Any town or any mutual nonstock cemetery association or
4 corporation having charges legally assessed against any lot in the
5 cemetery under its control or any holder of any such lot which have
6 been due and unpaid for at least [ten years] one year shall be
7 authorized to sell the unused portion of such lot in such manner as its
8 legislative body or governing board, as the case may be, may direct,
9 provided a notice shall be sent by registered or certified mail to any
10 such lotholder and any other person known to be beneficially
11 interested in any such lot, at the last-known address of such lotholder
12 or other person, which notice shall substantially contain the
13 information that, if such legally assessed charges are not paid within [a

14 year] six months from the date of the issuance of such notice, such
15 town, cemetery association or corporation may take over any unused
16 portion of such lot for the purpose of sale. [, provided space shall be
17 reserved for the surviving spouse, if any, of the original lotholder, if
18 the surviving spouse would otherwise be eligible for burial in such
19 cemetery under the rules and regulations governing burials in such
20 cemetery.] If such town, association or corporation is unable to
21 determine any person known to be beneficially interested in any such
22 lot, it shall cause to be published, in a newspaper having a circulation
23 in the town in which the cemetery is located, at least once, [a week for
24 three consecutive weeks,] a notice containing the same information as
25 is sent to any known lotholder or person known to be beneficially
26 interested. The proceeds from the sale of such unused portion of such
27 lots shall first be used to reimburse such town, association or
28 corporation for any past due charges and costs of sale. The balance
29 shall be placed in a perpetual care fund, the interest from which shall
30 be expended in the care of such uncared-for lots in such cemetery as
31 are designated by the legislative body of such town or the governing
32 board of such cemetery, as the case may be.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2018	19a-307
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GL *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which reduces the amount of time a municipality must wait before selling abandoned cemetery plots, has no fiscal impact as it is not anticipated to increase or decrease the number of abandoned plots sold.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 432*****AN ACT CONCERNING THE SALE OF ABANDONED OR UNUSED CEMETERY LOTS.*****SUMMARY**

This bill makes changes to the procedure that towns and mutual nonstock cemetery associations or corporations ("cemetery associations") use to recover burial plots for which assessed charges remain unpaid (see BACKGROUND). The bill reduces:

1. from 10 to one, the minimum number of years that assessments on a burial plot must remain unpaid before a cemetery association may sell the unused portion of such plot;
2. from one year to six months, the length of time lotholders and other benefiting parties have to resolve a delinquency after receiving notice of it; and
3. from three to one, the number of legal notices that a cemetery association must place in a newspaper if it cannot identify an individual to which to send notice.

Additionally, the bill eliminates a requirement that cemetery associations reserve space for the lotholder's otherwise eligible surviving spouse if the association sells the unused portion of a plot subject to delinquent charges.

EFFECTIVE DATE: July 1, 2018

BACKGROUND***Sale of Abandoned Plots***

Notice. By law, before a cemetery association can sell unused plots for which assessed charges are delinquent, it must first send notice, by

registered or certified mail, to the lotholder and any known beneficiary. The notice must be sent to those individuals' last known addresses. If they cannot be identified, the cemetery association must publish notice in a local newspaper.

Proceeds. By law, sale proceeds must be used to reimburse the cemetery association for any past due charges and costs of sale. The balance must be placed in a perpetual care fund. The interest from the fund must be used to care for uncared-for lots in the cemetery.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 0 (03/20/2018)